TITLE 20 ENVIRONMENTAL PROTECTION
CHAPTER 5 PETROLEUM STORAGE TANKS
PART 5 GENERAL OPERATING REQUIREMENTS

20.5.5.1 ISSUING AGENCY: New Mexico Environmental Improvement Board.
[20.5.5.1 NMAC - Rp 20 NMAC 20.5.100, 8/15/03]

20.5.5.2 SCOPE: This part applies to owners and operators of storage tanks as provided in 20.5.1 NMAC. If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this part, including any notice and reporting requirements; however, both parties are liable in the event of noncompliance.
[20.5.5.2 NMAC - Rp 20 NMAC 20.5.101, 8/15/03]

20.5.5.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the provisions of the Hazardous Waste Act, NMSA 1978, sections 74-4-1 through 74-4-14, and the general provisions of the Environmental Improvement Act, NMSA 1978, sections 74-1-1 through 74-1-15.
[20.5.5.3 NMAC - Rp 20 NMAC 20.5.102, 8/15/03]

20.5.5.4 DURATION: Permanent.
[20.5.5.4 NMAC - Rp 20 NMAC 20.5.103, 8/15/03]

20.5.5.5 EFFECTIVE DATE: August 15, 2003, unless a later date is indicated in the bracketed history note at the end of a section.
[20.5.5.5 NMAC - Rp 20 NMAC 20.5.104, 8/15/03]

20.5.5.6 OBJECTIVE: The purpose of 20.5.5 NMAC is to ensure that the operation and maintenance of storage tanks will prevent releases and to protect the public health, safety and welfare and the environment of the state.
[20.5.5.6 NMAC - Rp 20 NMAC 20.5.105, 8/15/03]

20.5.5.7 DEFINITIONS: The definitions in 20.5.1 NMAC apply to this part.
[20.5.5.7 NMAC - Rp 20 NMAC 20.5.106, 8/15/03]

20.5.5.8-20.5.5.399 [RESERVED]

20.5.5.400 OPERATION AND MAINTENANCE OF STORAGE TANK SYSTEMS: Owners and operators shall properly maintain all tanks, piping and other associated equipment for all storage tank systems required in 20.5.4.400, 401, 402, and 404 (if applicable) NMAC, and shall ensure that all tanks, piping and other associated equipment for all storage tank systems are fully operational at all times.

A. Owners and operators shall visually inspect monthly an AST and all its components that are readily accessible to visual inspection.

B. Owners and operators shall maintain the exterior coating of an AST and ancillary equipment not in contact with soil in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement: Society of Protective Coating SSPC PA-1, "Shop, Field, and Maintenance Painting of Steel."

C. Owners and operators shall mark fill port lids of ASTs and underground storage tanks (USTs) in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement: American Petroleum Institute RP1637, "Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Service Stations and Distribution Terminals." Owners and operators shall clearly label the contents of all storage tanks.

D. If any steel piping installed in a trench is used in an AST or UST system, owners and operators shall visually inspect the trench monthly. Owners and operators shall draw off any water that has accumulated in the

trench within one week of a rainfall event, and shall remove any other debris that has accumulated inside the trench. Owners and operators shall properly treat and dispose of any accumulated water with a visible sheen. If a basin sump is located in the trench, owners and operators shall keep the basin sump free of water and debris. Owners and operators shall not install any valves in any basin sump in a piping trench.

E. Owners and operators shall maintain containment sumps under dispensers required by Subsection G of 20.5.4.401 NMAC, and draw off water that has accumulated in the sumps within one week of a rainfall event, and shall remove any other debris that has accumulated inside the basin sumps. Owners and operators shall properly treat and dispose of any accumulated water with a visible sheen. If gravity drain valves are used to remove water from the containment sumps, owners and operators shall keep all valves closed except during the process of draining water.

F. Owners and operators of AST systems shall adopt an operations and maintenance plan, which shall be kept and followed for the life of the system. If all exterior surfaces of the AST system are completely visible, readily accessible, and not in contact with the ground or soil, then those owners and operators are not required to perform internal inspections and tightness testing as part of their operations and maintenance plan, but shall comply with the requirements for inspections and testing required for installations, modification and repairs by 20.5.4, 20.5.5 and 20.5.6 NMAC. The operations and maintenance plan shall be in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory. The following may be used to comply with this requirement:

(1) American Petroleum Institute 570, "Pipe Inspection Code: Inspection Repair, Alteration, and Rerating of In-Service Piping Systems;"

(2) American Petroleum Institute Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction;" or

(3) Steel Tank Institute Standard SP001, "Standard for Inspection of In-Service Shop Fabricated Aboveground Tanks for Storage of Combustible and Flammable Liquids."

G. Owners and operators shall check ASTs monthly for the presence of water at the lowest possible point(s) inside the tank, and remove any water found to the extent technically possible. Owners and operators shall properly dispose of any and all water removed from an AST.

[20.5.5.400 NMAC - N, 8/15/03]

20.5.5.401 OPERATION AND MAINTENANCE OF SECONDARY CONTAINMENT:

A. Owners and operators shall maintain and repair secondary containment in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department.

B. Owners and operators shall not store inside the secondary containment any material which is chemically reactive with the regulated substance stored in the AST system, or with the AST itself. Owners and operators shall not store any material in the secondary containment that reduces the volume of the secondary containment below the requirement in Subsection C of 20.5.4.401 NMAC.

C. Owners and operators shall draw off water that has accumulated in the secondary containment within one week of a rainfall event, and shall remove any other debris that has accumulated inside the secondary containment. Owners and operators shall properly treat and dispose of any accumulated water with a visible sheen. If gravity drain valves are used to remove water from the secondary containment, all valves will be kept closed except during the process of draining water.

D. In order to maintain the highest level of secondary containment in case of a discharge from, or an overfill of, an AST system, owners and operators shall keep the spill containment buckets, catchment basins, containment sumps, basin sumps, and piping trenches free of water, regulated substances and debris.

E. Owners and operators shall maintain, repair and replace any concrete secondary containment systems in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement:

(1) Society of Protective Coating and National Association of Corrosion Experts SSPC-TU2/NACE 6G197, "Design, Installation and Maintenance of Coating Systems for Concrete used in Secondary Containment;"

(2) American Concrete Institute 224R, "Control of Cracking in Concrete Structures;" or

(3) American Concrete Institute "Concrete Repair Manual."

F. Owners and operators shall maintain, repair and replace any geo-synthetic liner according to manufacturer's instructions, which owners and operators shall keep readily available at the facility for the life of the

liner.

G. Owners and operators shall protect from corrosion any secondary containment constructed of steel, and shall cathodically protect any portion of the steel secondary containment that is in contact with soil or water. Owners and operators shall maintain the exterior of any steel secondary containment in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement: Society of Protective Coatings SSPC-PA-1, "Shop, Field, and Maintenance Painting of Steel."

H. Owners and operators of above ground storage tanks which are either double-walled or which have an interstitial space that is monitored as a method of release detection shall comply with the following requirements:

(1) Where design and release detection method allow the interstice of a double-walled above ground storage tank to be visually inspected without disturbance of the release detection system, owners and operators shall annually visually inspect for the presence of water, regulated substances or debris.

(2) Owners and operators shall notify the department in accordance with 20.5.7 NMAC if a visual inspection, other inspection or testing conducted in accordance with 20.5.5 or 20.5.6 NMAC indicate that a release may have occurred.

(3) If testing conducted in accordance with 20.5.4, 20.5.5 or 20.5.6 NMAC indicates that the stored regulated substance is leaking into the interstice of the AST, then owners and operators shall have the tank repaired in accordance with the tank manufacturer's instructions or specifications, or with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory.

(4) Owners and operators shall monitor all vertical ASTs with an interstitial space between the tank bottom and secondary containment for the presence of water or regulated substances. If gravity drain valves are used for monitoring and removal of water or regulated substances, owners and operators shall keep them closed except during the process of monitoring and draining.

(5) Owners and operators shall keep all sumps associated with interstitial monitoring free of water.

(6) Owners and operators shall inspect all sensors used to monitor interstitial spaces annually in accordance with manufacturer's recommendations, or in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory.

(7) Owners and operators shall remove all liquid found in interstitial spaces, and dispose of it properly.

[20.5.5.401 NMAC - N, 8/15/03]

20.5.5.402 OPERATION AND MAINTENANCE OF VAULTS:

A. Owners and operators shall maintain and repair the walls and floor of a vault in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement:

(1) Society of Protective Coating and National Association of Corrosion Experts SSPC-TU2/NACE 6G197, "Design, Installation and Maintenance of Coating Systems for Concrete used in Secondary Containment;"

(2) American Concrete Institute 224R, "Control of Cracking in Concrete Structures;" or

(3) American Concrete Institute "Concrete Repair Manual."

B. Owners and operators shall visually inspect the interior of any vault from the outside monthly, and annually shall enter and inspect the interior of the vault. Owners and operators shall draw off any water that has accumulated in a vault within one week of a rainfall event if the water is in contact with the tank or piping (but need not draw off water only in contact with a tank's saddles, skid or other support), and shall remove any other debris that has accumulated inside the vault and which is in contact with the tank, piping or saddle, skid or other support. Owners and operators shall properly treat and dispose of any accumulated water with a visible sheen. If a basin sump is located in the vault, owners and operators shall keep the liquid trap free of water and debris. Owners and operators shall not install any valves in any basin sump in a vault.

C. Owners and operators shall not store inside a vault any material which is chemically reactive with the regulated substance stored in the AST system, or with the AST itself.

D. Owners and operators shall ensure that a vault is well vented before any fuel transfer begins, and that all vents in the vault are kept open during the transfer.

E. For vaults with roofs, owners and operators shall properly maintain and repair the roof of a vault in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department.

[20.5.5.402 NMAC - N, 8/15/03]

20.5.5.403 OPERATION AND MAINTENANCE OF VENTING SYSTEMS: Owners and operators shall maintain and repair venting systems in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement: National Fire Protection Association Standard 91, "Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids."
[20.5.5.403 NMAC - N, 8/15/03]

[20.5.5.404-499] RESERVED

20.5.5.500 SPILL AND OVERFILL CONTROL:

A. Owners and operators shall ensure that releases due to spilling or overfilling do not occur. Owners and operators shall ensure that all spill and overfill equipment required in Subsection A of 20.5.4.402 NMAC is properly maintained and fully operational at all times. Owners and operators shall ensure that the volume available in a tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling. Owners and operators shall comply with the transfer procedures described in the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement:

(1) National Fire Protection Association Standard 385, "Standard for Tank Vehicles for Flammable and Combustible Liquids;"

(2) American Petroleum Institute Publication RP 1621, "Bulk Liquid Stock Control at Retail Outlets;"

(3) National Fire Protection Association 30, "Flammable and Combustible Liquids Code;"

(4) National Fire Protection Association 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages;" or

(5) Petroleum Equipment Institute Publication RP200, "Recommended Practices for Installation of Above Ground Storage Systems for Motor Vehicle Fueling."

B. Owners and operators shall report, investigate, and clean up any spills and overfills in accordance with 20.5.7.703 NMAC.
[20.5.5.500 NMAC - Rp 20 NMAC 20.5.500, 8/15/03]

20.5.5.501 OPERATION AND MAINTENANCE OF CORROSION PROTECTION: Owners and operators of steel storage tank systems with any steel tank or piping with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the storage tank system is used to store regulated substances.

A. Owners and operators shall operate and maintain corrosion protection systems to continuously provide corrosion protection to all metal components of the system that are in contact with the ground or water. Owners and operators shall operate and maintain corrosion protection systems in accordance with the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement:

(1) Steel Tank Institute, "Specification for Sti-P3 System of External Corrosion Protection of Underground Steel Storage Tanks;"

(2) Underwriters Laboratories Standard 1746, "External Corrosion Protection System for Steel Underground Storage Tanks;"

(3) Underwriters' Laboratories of Canada CAN4-S603-N85, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids;"

(4) Underwriters' Laboratories of Canada CAN4-G03.1-M85, "Standard for Galvanic Corrosion Protection Systems for Underground Tanks for Flammable and Combustible Liquids;"

(5) Underwriters' Laboratories of Canada CAN4-S631-M84, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems;"

(6) National Association of Corrosion Engineers International Standard RP0-0285, "Corrosion

Control of Underground Storage Tanks Systems by Cathodic Protection;" or

(7) Underwriters Laboratories Standard 58, "Standard for Safety for Steel Underground Tanks for Flammable and Combustible Liquids."

B. Owners and operators shall ensure that all storage tank systems equipped with cathodic protection are inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(1) Frequency. Owners and operators shall test all cathodic protection systems within six months of installation and at least every three years thereafter or according to another reasonable time frame approved in advance in writing by the department; and

(2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory

(3) The following may be used to comply with this requirement:

(a) National Association of Corrosion Engineers International RP0285, "Corrosion Control of Underground Storage Tank Systems by Cathodic Protection;"

(b) National Fire Protection Association 30, "Flammable and Combustible Liquids Code;"

(c) National Fire Protection Association 30A "Code for Motor Fuel Dispensing Facilities and Repair Garages;"

(d) American Petroleum Institute Publication RP 1615, "Installation of Underground Petroleum Storage Systems;"

(e) American Petroleum Institute Publication RP 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems;" or

(f) National Association of Corrosion Engineers International RP0169, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems."

C. Owners and operators shall inspect storage tank systems with impressed current cathodic protection systems every 60 days to ensure the equipment is running properly. Owners and operators shall record the date, time, readings and results of each inspection in a log kept at the facility, and indicate who performed each inspection.

D. For storage tank systems using cathodic protection, owners and operators shall maintain records of the operation of the cathodic protection in accordance with 20.5.5.504 NMAC to demonstrate compliance with the performance standards in this section. These records shall provide the following:

(1) The results of the last three inspections required in Subsection C of this section; and

(2) The results of testing from the last two inspections required in Subsection B of this section.

[20.5.5.501 NMAC - Rp 20 NMAC 20.5.501, 8/15/03]

20.5.5.502 COMPATIBILITY: Owners and operators shall use a storage tank system made of or lined with materials that are compatible with the substance stored in the storage tank system. Owners and operators storing alcohol blends shall use the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. The following may be used to comply with this requirement:

A. American Petroleum Institute Publication RP1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations;" or

B. American Petroleum Institute Publication RP1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."

[20.5.5.502 NMAC - Rp 20 NMAC 20.5.502, 8/15/03]

20.5.5.503 REPAIRS AND MODIFICATIONS: Owners and operators of a storage tank system shall ensure that repairs and modifications will prevent releases due to structural failure or corrosion as long as the storage tank system is used to store regulated substances. The repairs shall meet the following requirements:

A. Owners and operators shall properly conduct repairs and modifications to storage tank systems in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department. Owners and operators shall not internally line ASTs as a means of repairing an AST. The following may be used to comply with this requirement:

(1) National Fire Protection Association 30, "Flammable and Combustible Liquids Code;"

(2) American Petroleum Institute Publication RP 2200, "Repairing Crude Oil, Liquified Petroleum

Gas, and Product Pipelines;"

(3) American Petroleum Institute Publication RP 1631, "Interior Lining and Periodic Inspection of Underground Storage Tanks,"

(4) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection;"

(5) National Fire Protection Association 30A, "Code for Motor Fuel Dispensing Facilities and Repair Garages;"

(6) Petroleum Equipment Institute Publication RP200, "Recommended Practices for Installation of Above Ground Storage Systems for Motor Vehicle Fueling;"

(7) American Society for Testing and Materials ES40, "Emergency Standard Practice for Alternative Procedures for the Assessment of Buried Steel Tanks Prior to the Addition of Cathodic Protection;"

(8) American Petroleum Institute 570, "Piping Inspection Code: Inspection, Repair, Alteration and Rerating of In-Service Piping Systems;" or

(9) American Petroleum Institute Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction."

B. Owners and operators shall ensure that repairs and modifications to fiberglass-reinforced plastic tanks are made by the manufacturer's authorized representatives, or in accordance with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department.

C. Owners and operators shall replace metal pipe sections and fittings that have released a regulated substance as a result of corrosion or other damage. Owners and operators shall repair, modify and replace fiberglass pipes and fittings in accordance with the manufacturer's specifications. Owners and operators shall repair, modify and replace flexible piping according to manufacturer's instructions.

D. Owners and operators shall tightness test a storage tank system that has been modified on completion of the modification prior to returning the system to service. Owners and operators shall tightness test storage tank systems that have been repaired in accordance with Subsection C of 20.5.6.603 NMAC and Subsection B of 20.5.6.604 NMAC within 30 days following the date of the completion of the repair except as provided in Paragraphs (1) through (3) of Subsection D of this section:

(1) The repaired or modified tank is internally inspected in accordance with the current edition of an industry code or standard approved in advance in writing by the department;

(2) The repaired or modified portion of the storage tank system is monitored monthly for releases in accordance with a method specified in Subsections D through H of 20.5.6.603 NMAC; or

(3) Owners and operators shall use an equivalent test method, which complies with the current edition of an industry standard or code developed by a nationally recognized association or independent testing laboratory approved in advance in writing by the department.

E. Upon completion of a modification or repair of any cathodically protected storage tank system, owners and operators shall test the cathodic protection system in accordance with Subsections B and C of 20.5.5.501 NMAC to ensure that it is operating properly.

F. Owners and operators of a storage tank system shall maintain records of each repair and modification for the remaining operating life of the storage tank system that demonstrate compliance with the requirements of this section.

G. Owners and operators shall repair an above ground storage tank if an internal inspection determines that a release is occurring or that the tank bottom or shell thickness is below minimum thickness requirements. The owners and operators shall keep the records of internal inspections for the life of the tank. Minimum thickness requirements shall be determined by one of the following:

(1) the manufacturer's specifications;

(2) the current edition of an industry standard or code of practice developed by a nationally recognized association or independent testing laboratory; or

(3) the minimum thickness for the tank bottom shall never be less than one half of the original bottom plate thickness and minimum thickness for the tank shall never be less than 0.1 inch.

[20.5.5.503 NMAC - Rp 20 NMAC 20.5.503, 8/15/03]

20.5.5.504 REPORTING AND RECORD KEEPING: Owners and operators of a storage tank system shall cooperate fully with inspections, monitoring and testing conducted by the department, as well as requests for document submission, testing, and monitoring by the owner or operator pursuant to Section 9005 of Subtitle I of the

federal Resource Conservation and Recovery Act, as amended.

A. Reporting. Owners and operators shall submit the following information to the department:

(1) Registration for all storage tank systems in accordance with 20.5.2 NMAC, which includes certification of installation for new UST and AST systems in accordance with Subsection B of 20.5.4.402 NMAC;

(2) Reports of all releases in accordance with 20.5.2 NMAC, including suspected releases in accordance with 20 5.7.701 NMAC, spills and overfills in accordance with 20.5.7.700 NMAC, and confirmed releases in accordance with 20.5.7.702 NMAC;

(3) Corrective actions planned or taken as required by 20.5.12 and 5.13 NMAC; and

(4) A notification before storage tank system installation, repair or modification in accordance with 20.5.5 NMAC, permanent closure or change-in-service in accordance with 20.5.8 NMAC. It may not be feasible for owners and operators to provide advance notice of emergency repairs; however, owners and operators shall provide notice of emergency repairs as soon as possible after completing emergency repairs.

B. Record keeping. Owners and operators shall maintain the following information:

(1) a corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used , in accordance with Paragraph (5) of Subsection A of 20.5.4.400 NMAC and Paragraph (3) of Subsection B of 20.5.4.400 NMAC;

(2) documentation of operation of corrosion protection equipment in accordance with 20.5.5.501 NMAC;

(3) documentation of storage tank system repairs in accordance with Subsection F of 20.-.5.503 NMAC;

(4) recent compliance with release detection requirements in accordance with 20.5.6.605 NMAC;

(5) results of the site investigation conducted at permanent closure in accordance with 20.5.8.804 NMAC;

(6) inspection logs required by 20.5.5 NMAC and 20.5.6 NMAC;

(7) tank tightness, internal inspection and integrity test documents required by 20.5 NMAC; and

(8) any other record or written approval required in 20.5.4 through 20.5.6 NMAC.

C. Availability and maintenance of records. Owners and operators shall keep the required records either:

(1) at the storage tank site and immediately available for inspection by the department or

(2) at a readily available alternative site and the records shall be provided for inspection to the department upon request. If records are not available at a site during inspection, owners and operators shall mail or send by facsimile transmission to the inspector within 10 working days all records requested by the inspector.

(3) In the case of permanent closure records required under 20.5.8.804 NMAC, owners and operators are also provided with the additional alternative of mailing closure records to the department if they cannot be kept at the site or an alternative site as indicated above.

D. If the owner and operator of a storage tank are separate persons, only one person is required to comply with the requirements of this section; however, both parties are liable in the event of noncompliance [20.5.5.504 NMAC - Rp 20 NMAC 20.5.504, 8/15/03]

20.5.5.505 INSPECTIONS, MONITORING AND TESTING:

A. For the purpose of enforcing the provisions of these regulations, any owner and operator of a storage tank shall, upon the request of the secretary or authorized department representatives, furnish information relating to such tanks, including tank equipment and contents, conduct monitoring or testing, and permit the department representative at all reasonable times to have access to, and to copy all records relating to such tanks. Owners and operators shall comply with all applicable and appropriate Occupational Health and Safety Act requirements, NMSA 1978, sections 50-9-1 through 50-9-25, so that storage tanks may be safely inspected. For the purpose of enforcing these regulations, department officers, employees, or representatives are authorized:

(1) to enter at reasonable times any establishment or place where a-storage tank is located;

(2) to inspect the storage tank system and obtain samples of its contents; and

(3) to conduct monitoring or testing of the tanks, associated equipment, contents, or surrounding soils, air, surface water, or groundwater.

B. The department shall commence and complete each inspection with reasonable promptness. If the secretary or department representative obtains any samples, prior to leaving the premises he shall give to the owner, operator or agent in charge a receipt describing the sample obtained and, if requested, a portion of each sample equal in volume or weight to the portion retained. If any analysis is made of the samples, a copy of the results of the

analysis shall be furnished promptly to the owner, operator or agent in charge

C. Owners and operators shall permit the department or authorized department representative to be present at and inspect all storage tank system installations, replacements, repairs, substantial modifications, installations of leak detection systems and storage tank system closures. To ensure that the inspector has an opportunity to be present during the steps in these procedures which are important to the prevention of releases, owners, operators, and certified tank installers shall give the department oral notice of the dates on which critical junctures in the installation, repair, modification or closure of the storage tank system are to take place. The inspector may require that critical junctures be performed from Monday through Friday during regular business hours. Notice shall be given as follows:

(1) Owners, operators and certified tank installers shall give at least 30 days written notice before the installation, modification or repair of a storage tank system. It may not be feasible for owners, operators, and certified tank installers to provide advance notice of emergency repairs; however, owners, operators, and certified tank installers shall provide notice of emergency repairs as soon as possible after completing emergency repairs.

(2) Owners, operators and certified tank installers shall give oral notice at least 24 hours in advance of the commencement of the procedure.

(3) If owners, operators and certified tank installers are separate persons, only one person is required to comply with the notice requirements of this Subsection; however, all parties are liable in the event of noncompliance.

D. As used in this section, the term "critical junctures" means:

(1) in the case of an installation:

(a) preparation of the excavation immediately prior to receiving backfill and a UST or piping for an AST or UST;

(b) installation of any tank pad, vault, or secondary containment for an AST system;

(c) setting of a UST and piping, including placement of any anchoring devices, backfill to the level of the tank, and strapping, if any;

(d) any time during the installation in which components of piping are connected;

(e) all pressure testing of the storage tank system, including associated piping, performed during the installation; and

(f) completion of backfill and filling of the excavation.

(2) in the case of a repair, internal lining or other modification, including repair or modification of cathodic protection:

(a) the completion of the excavation of existing tanks or piping;

(b) the actual performance of the repair, lining or modification;

(c) any time during the project in which components of the piping are connected; and

(d) any time during the project in which the tank or its associated piping is tested.

(3) in the case of a tank removal or storage tank system closure:

(a) the completion of the excavation of a UST or piping;

(b) the cleaning and devaporizing of a tank;

(c) the actual removal of a UST or its associated piping from the ground, or the filling of a UST in place;

(d) the actual permanent closure of an AST from any location where it has been in use; and

(e) the assessment of a tank site for releases.

[20.5.5.505 NMAC - Rp 20 NMAC 20.5.505, 8/15/03]

HISTORY OF 20.5.5 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives.

EIB/USTR-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 9/12/88.

EIB/USTR-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 2/14/89.

EIB/USTR-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 8/4/89.

EIB/USTR-5, Underground Storage Tank Regulations-Part V-General Operating Requirements, filed 6/12/90.

History of Repealed Material: 20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements (filed 2/27/97), repealed 8/15/03.

Other History:
EIB/USTR-5, Underground Storage Tank Regulations - Part V - General Operating Requirements, filed 6/12/90, renumbered, reformatted and replaced by 20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements, effective 11/5/95;
20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements filed 10/6/95 replaced by 20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements, effective 4/1/97;
20 NMAC 5.5, Underground Storage Tanks - General Operating Requirements, filed 2/27/97 was renumbered, reformatted and replaced by 20.5.5 NMAC, Petroleum Storage Tanks, General Operating Requirements, effective 8/15/03.